

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

(1) **KATHY BAKER,**)
)
)
 Plaintiff,)
)
)
v.) CIV-06-5068-CV-SW-JCE
)
)
(1) **SILVER OAK SENIOR LIVING**)
)
 MANAGEMENT CO., L.C., and)
(2) **EQUI-MANAGEMENT SERVICES,**)
)
 LTD.,)
)
)
 Defendants)

**AFFIDAVIT OF TODD A. JOHNSON IN OPPOSITION TO PLAINTIFF'S
MOTION FOR ATTORNEY'S FEES AND NON-TAXABLE EXPENSES**

STATE OF MISSOURI)
)
 ss.
COUNTY OF GREENE)

Todd A. Johnson, being duly sworn upon his oath, and based upon personal knowledge of the matters stated herein does hereby state the following:

1. I received my Juris Doctor degree from Southern Methodist University in 1988. I was admitted to the Missouri Bar in 1988. I am admitted to practice in the United States District Court for the Western District of Missouri and am a member of the Springfield Metropolitan Bar Association. I am rated as an "AV" or "preeminent" attorney by Martindale-Hubbell

2. I have practiced law in Springfield, Greene County, Missouri for the past nineteen (19) years and am a shareholder with the Springfield law firm of Ellis, Ellis, Hammons & Johnson, P.C. As an attorney at the Ellis firm, my practice includes approximately sixty percent (60%) civil rights and employment matters and cases on

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behalf of both plaintiffs and defendants.

3. I am familiar with rates charged by attorneys in the Springfield metropolitan area. This familiarity is based upon not only my own experience in representing plaintiffs and defendants in the Springfield area, but also on my discussions with other attorneys, and experience in billing clients during the course of my nineteen year legal practice in Springfield.

4. Beginning in 1996, I represented Tracker Marine, L.P. in a case filed by Carolyn Coffman both in the United States District Court for the Western District of Missouri in Springfield and before the United States Court of Appeals for the Eighth Circuit, Case Nos. 96-4115 and 97-1120. In that case, opposing counsel was Lynne J. Bratcher who represents plaintiff Kathy Baker in the case at bar. *See, Coffman v. Tracker Marine*, 141 F.3d 1241 (8th Cir. 1998).

5. The *Coffman* case involved allegations of sexual harassment and retaliation under Title VII of the Civil Rights of 1964.

6. Although I do not purport to provide testimony as to reasonable attorney rates for employment discrimination cases based on Title VII and/or the Missouri Human Rights Act in either Kansas City or St. Louis, I am qualified to provide my opinion as to such reasonable rates in the Springfield, Missouri area.

7. Based upon my experience in these types of cases, my knowledge of prevailing attorney's fees in the Springfield legal community from both a plaintiff's and a defense perspective, it is my belief and opinion that the range of appropriate fees is from \$175.00 to \$250.00 per hour, depending on the experience level represented.

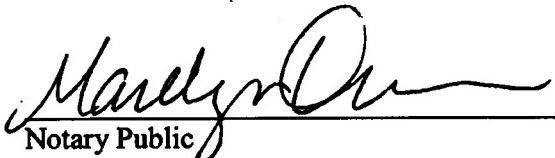
8. In my opinion there are multiple competent attorneys who practice employment discrimination law in the Springfield area, as I practice against them on both sides of the table.

FURTHER AFFIANT SAYETH NOT.

4-23-10
DATED


TODD A. JOHNSON, MO. BAR # 38363

Subscribed and sworn to me this 23rd day of April, 2010.


Marilyn Onions
Notary Public

My commission expires:

5-24-11



MARILYN ONIONS
My Commission Expires
August 24, 2011
Christian County
Commission #07522688

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